

TITLE 7

ANIMALS

Chapters:

- 7.04 ~~Animal Licensing and Regulations~~ **Repealed by Ordinance No. 2306, July 2010**
- 7.08 Livestock, Small Animals and Fowl
- 7.10 Exotic Animals
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CHAPTER 7.04

ANIMAL LICENSING AND REGULATIONS

Sections:

7.04.010 Animal Licensing and Regulations

This Chapter was repealed by Ordinance No. 2306
July 2010.

CHAPTER 7.08**LIVESTOCK, SMALL ANIMALS AND FOWL****Sections:**

- 7.08.010 Chapter compliance required
- 7.08.020 Livestock defined
- 7.08.030 Small animals and fowl defined
- 7.08.040 Animals kept as pets
- 7.08.050 Roosters prohibited
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- 7.08.070 Maintaining swine within City limits
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- 7.08.090 Number of animals per property area size
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- 7.08.110 One building per parcel for housing
- 7.08.120 Nuisance prohibited
- 7.08.130 Manure removal
- 7.08.140 Enforcement
- 7.08.150 Exemptions

7.08.010 Chapter compliance required

It is unlawful for any person, persons, firm or corporation to keep or maintain livestock, small animals or fowl within the City limits, except as provided in this chapter and TMC Title 18. If there is a conflict between a provision of this chapter and a provision in TMC Title 18, the provision in TMC Title 18 shall control.

(Ord. 2466 §2 (part), 2015)

7.08.020 Livestock defined

"*Livestock*," where used in this chapter, means and includes horses, mules, ponies, cattle, sheep, goats, llama, oxen and swine. "*Large livestock*," where used in this chapter, means and includes cattle, goats, llama, oxen and swine. "*Small livestock*," where used in this chapter, means and includes sheep and goats smaller than 24 inches at the shoulder and/or not more than 150 pounds in weight.

(Ord. 2466 §2 (part), 2015)

7.08.030 Small animals and fowl defined

"*Small animals and fowl*," where used in this chapter means and includes rabbits, chinchillas, chickens, geese, ducks, turkeys, peafowl and pigeons.

(Ord. 2466 §2 (part), 2015)

7.08.040 Animals kept as pets

Dogs, cats, guinea pigs, hamsters, ferrets, fish, parrots, parakeets and similar animals kept as household pets within a dwelling unit will not be subject to the limitations of this chapter. Dogs and cats are regulated by TMC Section 7.12.

(Ord. 2466 §2 (part), 2015)

7.08.050 Roosters prohibited

The keeping of roosters within the City limits is prohibited.
(Ord. 2466 §2 (part), 2015)

7.08.060 Enclosure construction

All livestock, small animals and fowl shall be kept within an enclosure adequately built and maintained to prevent the livestock, small animals and fowl from breaking through, out, over or under the same. All pens, coops, hutches and housing of any kind used for the housing of livestock, small animals and fowl must be built to include siding or shakes or their equivalent, and must be painted or stained to appear presentable.

(Ord. 2466 §2 (part), 2015)

7.08.070 Maintaining swine within City limits

Swine may be kept or maintained within the City limits provided they are kept within an enclosure as herein described, the outside limits of which shall be not less than 200 feet from the nearest residence.

(Ord. 2466 §2 (part), 2015)

7.08.080 Minimum area for keeping animals

With the exception of chickens, no horses, mules, ponies, small livestock, small animals or fowl shall be kept on any property within the City limits where the parcel does not contain a minimum of 10,000 square feet of area, or other minimum area as set forth in this chapter. Chickens may be kept as an accessory to any legal use regardless of the area of the parcel. No large livestock shall be kept on any property within the City limits where the parcel does not contain a minimum of 43,560 square feet (one acre) of area. At least 20,000 square feet of pasture area is required for keeping a horse, mule or pony in the City.

(Ord. 2466 §2 (part), 2015)

7.08.090 Number of animals per property area size

A. Small animals and fowl shall be permitted in numbers as follows:

1. Twelve rabbits, twelve chinchillas, twelve pigeons or any combination of rabbits, chinchillas or pigeons, not to exceed a total of twelve collectively, for 10,000 square feet of property.
2. The number of rabbits, chinchillas or pigeons may be increased by 1/10th for each additional 1,000 square feet of property.
3. Six geese, six ducks, six peafowls, six turkeys or any combination of geese, ducks or turkeys, not to exceed a total of six collectively for 10,000 square feet of property.
4. The number of geese, ducks, peafowls or turkeys may be increased 1/10th for each additional 1,000 square feet of property.
5. One chicken per every 1,000 square feet of property.

6. At no time shall the total number of small animals or fowl exceed a total of twelve for each 10,000 square feet of property.

B. Livestock shall be permitted in numbers as follows:

1. Not more than one horse, mule or pony for each 20,000 square feet of stable and pasture area, but not more than a total of two of the above-mentioned animals shall be allowed on the same lot.

2. Two large livestock for each 43,560 square feet (one acre) of property. Additional large livestock requires an additional 43,560 square feet (one acre) of property.

3. Not more than 3 small livestock for each 10,000 square feet of property, but not more than a total of 6 of the above-mentioned animals shall be allowed on the same lot.

(Ord. 2466 §2 (part), 2015)

7.08.100 Distance from any dwelling

Enclosures for the housing of small animals and fowl shall be built and located not less than 10 feet from any dwelling and property line. The roaming area for the small animals and fowl shall be fenced and located not less than 10 feet from any dwelling.

(Ord. 2466 §2 (part), 2015)

7.08.110 One building per parcel for housing

Not more than one building for the housing of livestock, small animals or fowl shall be allowed on any one parcel.

(Ord. 2466 §2 (part), 2015)

7.08.120 Nuisance prohibited

No livestock, small animals or fowl shall be kept in such a manner that a condition resulting from same shall constitute a nuisance.

(Ord. 2466 §2 (part), 2015)

7.08.130 Manure removal

A. All enclosures, confinement areas, and/or open run areas shall be kept clean. Provision shall be made for the removal of animal waste and food waste so that the areas are kept free from infestation of insects, rodents or disease, as well as to prevent obnoxious or foul odors. Animal waste shall be properly disposed of and any accumulated animal waste must not be stored within the parcel setback area. Any storage of animal waste must not constitute a nuisance.

B. Manure shall not be allowed to collect in any place where it can prejudicially affect any source of drinking water.

C. Manure, when used as a fertilizer, must be plowed or spaded under within 24 hours after application.

(Ord. 2466 §2 (part), 2015)

7.08.140 Enforcement

Code Enforcement Officers for the City or any law enforcement officer shall be authorized to enforce this chapter, unless otherwise provided.

(Ord. 2466 §2 (part), 2015)

7.08.150 Exemptions

A Residents may keep all animals legally owned and kept prior to the effective date of this ordinance, provided they do not constitute a nuisance.

B. Any person, persons, firm or corporation who discontinues the keeping or reduces the number of livestock, small animals or fowl for a period of more than 90 days, or who sells or transfers his property, shall then become subject to all the provisions of this chapter.

(Ord. 2466 §2 (part), 2015)

CHAPTER 7.10 EXOTIC ANIMALS

Sections:

- 7.10.010 Chapter intent – authority
- 7.10.020 Definitions
- 7.10.030 Possession unlawful – exception – rules and regulations compliance
- 7.10.040 License – issuance generally – fees
- 7.10.050 License – application - content
- 7.10.060 License – issuance – inspection
- 7.10.070 Periodic inspection of premises
- 7.10.080 License revocation – notice – hearing
- 7.10.090 Violation – penalty
- 7.10.100 Euthanasia in exigent circumstances
- 7.10.110 Chapter limitations

7.10.010 Chapter intent – authority

It is the intent of the Tukwila City Council to limit and set conditions on the possession or maintenance of exotic animals in order to preserve the public peace and safety and to ensure the humane treatment of exotic animals. The animal care and control authority is hereby authorized to administer the licensing and enforcement provisions of this chapter in the City of Tukwila as provided in the sections below and by separate agreement with the City. City of Tukwila law enforcement officers shall be authorized to carry out enforcement duties of this chapter.

(Ord. 2466 §3 (part), 2015)

7.10.020 Definitions

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

1. *"Animal care and control authority"* means the King County Regional Animal Services Section in the King County Records and Licensing Services Division, acting alone or in concert with other municipalities for enforcement of the animal care and control laws of the county and state and the shelter and welfare of animals.

2. *"Director"* means director of the King County Department of Executive Services.

3. *"Exotic animal"* means any of the following:

- a. Venomous species of snakes capable of inflicting serious physical harm or death to human beings;
- b. Non-human primates and prosimians;
- c. Bears;
- d. Non-domesticated or non-domesticated-domesticated hybrid species of felines;
- e. Non-domesticated species of canines and their hybrids, including wolf and coyote hybrids; and
- f. The order Crocodylia, including alligators, crocodiles, caimans and gavials.

(Ord. 2466 §3 (part), 2015)

7.10.030 Possession unlawful – exception – rules and regulations compliance

The possession or maintenance of an exotic animal within the City of Tukwila by private citizens as pets is prohibited unless the owner possessed or maintained the exotic animal on or before June 10, 1994, and agrees to promptly act to satisfy the licensing requirements in TMC Sections 7.10.040 through 7.10.090 and such rules and regulations as the animal care and control authority may adopt as provided in King County Code Chapter 2.98 regarding the maintenance of the animals or as adopted by the City of Tukwila in the Tukwila Municipal Code.

(Ord. 2466 §3 (part), 2015)

7.10.040 License – issuance generally – fees

A. The animal care and control authority may cause to be issued an exotic animal owner's license that shall authorize the licensee to possess or maintain all or some of such species of exotic animals as specified according to TMC Section 7.10.030 if the application is accompanied by payment of the license fee, contains the information required by TMC Section 7.10.050 and meets the cage or confinement rules and regulations of the animal care and control authority.

B. The fee for the license shall be as provided for in TMC Section 7.12.035. All licenses shall expire one year from the original application.

(Ord. 2466 §3 (part), 2015)

7.10.050 License – application - content

A verified application for an exotic animal owner's license made in triplicate shall be filed by the applicant with the animal care and control authority. The application shall contain the following:

1. A legal or otherwise adequately precise description of the premises that the applicant desires to use under the required license;

2. Whether the applicant owns or rents the premises to be used;

3. If the applicant rents the premises, a written acknowledgment by the property owner that the applicant has the owner's permission to carry on the activity as described in the license application for the duration of the license;

4. The extent of improvement upon the premises;

5. A map or diagram of the premises showing where the improvements are located thereon;

6. A statement indicating the species of exotic animal that the applicant desires to possess or maintain;

7. A statement indicating how the animal will be caged or otherwise confined, accompanied with a drawing detailing the dimensions of and the materials used for the cage or similar confinement; and

8. Such further information as may be required by rules and regulations of the animal care and control authority.

(Ord. 2466 §3 (part), 2015)

7.10.060 License – issuance – inspection

If, after investigation by the manager of the Regional Animal Services Section, it appears that the applicant is the owner or tenant of or has a possessory interest in the property shown in the application; if applicable, has the written permission of the property owner as specified in TMC Section 7.10.050 and that the applicant intends in good faith to possess or maintain an exotic animal in accordance with the law and the rules and regulations of the Regional Animal Services Section, the Regional Animal Services Section shall issue a license to the applicant describing therein the premises to be used by the licensee and certifying that the licensee is lawfully entitled to use the same for the possession or maintenance of the exotic animal or animals specified in the license. However, before issuing the license, the Regional Animal Services Section shall inspect the cage or other confinement as required by rule or regulation and specified in the licensee's application in order to determine whether the cage or confinement meets the standard specifications for the classification of the exotic animal. If the cage or confinement is deemed inadequate, the applicant shall make such changes as are necessary to meet the standard specifications before the license shall be issued.

(Ord. 2466 §3 (part), 2015)

7.10.070 Periodic inspection of premises

Any City law enforcement officer or animal care control officers may make routine periodic inspections of a licensee's premises and records in order to determine the number, kind, weight and condition of exotic animals possessed by the licensee, and for purposes of enforcing this chapter and the rules and regulations of the Regional Animal Services Section.

(Ord. 2466 §3 (part), 2015)

7.10.080 License revocation – notice – hearing

The animal care and control authority may revoke, suspend or refuse to renew any exotic animal owner's license upon good cause for failure to comply with any provision of this chapter or the rules and regulations of the animal care and control authority authorized by this chapter, though the violator shall be first notified of the specific violation or violations and, if the violation can be remedied, the violator shall have 15 days after receiving the notice of violation to correct the violation. Also, enforcement of such revocation, suspension or refusal shall be stayed during the pendency of an appeal filed in the manner provided by King County Code Section 11.04.270.

(Ord. 2466 §3 (part), 2015)

7.10.090 Violation – penalty

Any person possessing or maintaining an exotic animal in the City without an exotic animal owner's license as provided herein, or transferring possession of an exotic animal to a person not licensed as provided by this chapter, is guilty of a misdemeanor and is subject to a fine not to exceed \$250 and/or by imprisonment not to exceed 90 days.

(Ord. 2466 §3 (part), 2015)

7.10.100 Euthanasia in exigent circumstances

An exotic animal possessed or maintained in violation of this chapter or the rules and regulations of the animal care and control authority may be subject to euthanasia as defined in King County Code Section 11.04.020.F if any one of the following exigent circumstances is deemed to exist by the manager of the animal care and control authority section:

1. The exotic animal presents an imminent likelihood of serious physical harm to the public and there is no other reasonably available means of abatement;

2. There is no reasonable basis to believe that the violation can be or in good faith will be corrected and after reasonable search or inquiry by the animal care and control authority no facility as authorized by local, state or federal law is available to house the exotic animal; or

3. The exotic animal suffers from a communicable disease injurious to other animals or human beings, though this subsection shall not apply if the animal is under treatment by a licensed veterinarian and may reasonably be expected to recover without infecting other animals or human beings.

(Ord. 2466 §3 (part), 2015)

7.10.110 Chapter limitations

A. The purpose of this chapter is to prohibit the private ownership of exotic animals as pets. Therefore, the provisions of this chapter shall not apply to any facility possessing or maintaining exotic animals as defined in this chapter that is owned, operated or maintained by any city, county, state or the federal government, including but not limited to public zoos, nor shall it apply to museums, laboratories and research facilities maintained by scientific or educational institutions, nor to private or commercial activities such as circuses, fairs, or private zoological parks that are otherwise regulated by law, nor to any recognized program engaged in the training of exotic animals as defined in this chapter for use as service animals by disabled citizens.

B. Breeding or allowing the reproduction of exotic animals as defined in this chapter is prohibited, provided that this prohibition shall not apply to any governmental facility possessing or maintaining exotic animals, nor shall it apply to private or commercial activities as set forth in subparagraph 7.10.110.A.

(Ord. 2466 §3 (part), 2015)

CHAPTER 7.12

ANIMAL CARE AND CONTROL REGULATIONS

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- 7.12.020 Definitions

II. LICENSING

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I. GENERAL PROVISIONS

7.12.010 Purpose and scope – authority – conflicts

A. It is declared the public policy of the City of Tukwila to secure and maintain such levels of animal care and control as will protect animal and human health and safety, and to the greatest degree practicable to prevent injury to property and cruelty to animal life. To this end, it is the purpose of this chapter to provide a means of caring for animals, licensing dogs, cats, hobby catteries, hobby kennels and related facilities and controlling errant animal behavior so that it shall not become a public nuisance and to prevent cruelty to animals.

B. The animal care and control authority is hereby authorized to administer the licensing and enforcement provisions of this chapter in the City of Tukwila as provided in the sections below and by separate agreement with the City. City of Tukwila law enforcement officers shall be authorized to carry out enforcement duties of this chapter.

C. If there is a conflict between a provision of this chapter and a provision in TMC Title 18, the provision in TMC Title 18 shall control.

(Ord. 2466 §4 (part), 2015)

7.12.020 Definitions

In construing this chapter, except where otherwise plainly declared or clearly apparent from the context, words shall be given their common and ordinary meaning. In addition, the following definitions apply to this chapter:

1. *"Abate"* means to terminate any violation by reasonable and lawful means determined by the manager of the Regional Animal Services Section in order that an owner or a person presumed to be the owner shall comply with this chapter.

2. *"Altered"* means spayed or neutered.

3. *"Animal"* means any living creature except Homo sapiens, insects and worms.

4. *"Animal care and control authority"* means the King County Regional Animal Services Section of the King County Records and Licensing Services Division, acting alone or in concert with other municipalities for enforcement of the animal care and control laws of the City, county and state and the shelter and welfare of animals.

5. *"Animal care and control officer"* means any individual employed, contracted or appointed by the King County animal care and control authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the care and licensing of animals, control of animals or seizure and impoundment of animals, and includes City of Tukwila police officers and any state or municipal peace officer, sheriff, constable or other employee whose duties in whole or in part include assignments that involve the seizure and taking into custody of any animal.

6. *"Cattery"* means a place where four or more adult cats are kept, whether by owners of the cats or by persons providing facilities and care, whether or not for compensation, but not including a pet shop. An adult cat is one of either sex, altered or unaltered, that is at least six months old.

7. *"Domesticated animal"* means a domestic beast, such as any dog, cat, rabbit, horse, mule, ass, bovine animal, lamb, goat, sheep, hog or other animal made to be domestic.

8. *"Euthanasia"* means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that causes painless loss of consciousness and death during the loss of consciousness.

9. *"Fostering"* means obtaining unwanted dogs or cats and locating adoptive homes for those licensed and spayed or neutered dogs or cats.

10. *"Grooming service"* means any place or establishment, public or private, where animals are bathed, clipped or combed for the purpose of enhancing either their aesthetic value or health, or both, and for which a fee is charged.

11. *"Harbored, kept or maintained"* means performing any of the acts of providing care, shelter, protection, refuge, food or nourishment in such a manner as to control the animal's actions, or that the animal or animals are treated as living at one's house by the homeowner.

12. *"Hobby cattery"* means a non-commercial cattery at or adjoining a private residence where four or more adult cats are bred or kept for exhibition for organized shows or for the enjoyment of the species. However, a combination hobby cattery/kennel license may be issued where the total number of cats and dogs exceeds the number otherwise allowed in TMC Title 18.

13. *"Hobby kennel"* means a non-commercial kennel at or adjoining a private residence where four or more adult dogs are bred or kept for any combination of hunting, training and exhibition for organized shows, for field, working or obedience trials or for the enjoyment of the species. However, a combination hobby cattery/kennel license may be issued where the total number of cats and dogs exceeds the number otherwise allowed in TMC Title 18.

14. *"Juvenile"* means any dog or cat, altered or unaltered, that is under six months old.

15. *"Kennel"* means a place where four or more adult dogs are kept, whether by owners of the dogs or by persons providing facilities and care, whether or not for compensation, but not including a pet shop. An adult dog is one of either sex, altered or unaltered, that is at least six months old.

16. *"Livestock"* has the same meaning as in TMC Section 7.08.020.

17. *"Owner"* means any person having an interest in or right of possession to an animal. "Owner" also means any person having control, custody or possession of any animal, or by reason of the animal being seen residing consistently at a location, to an extent such that the person could be presumed to be the owner.

18. *"Pack"* means a group of two or more animals running upon either public or private property not that of its owner in a state in which either its control or ownership is in doubt or cannot readily be ascertained and when the animals are not restrained or controlled.

19. *"Person"* means any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity.

20. *"Pet"* means a dog or a cat or any other animal required to be licensed by this chapter. "Dog," "cat" and "pet" may be used interchangeably.

21. *"Pet shop"* means any person, establishment, store or department of any store that acquires live animals, including birds, reptiles, fowl and fish, and sells or rents, or offers to sell or rent, the live animals to the public or to retail outlets.

22. *"Private animal placement permit"* means a permit or permits issued to qualified persons engaged in fostering dogs and cats, to allow them to possess more dogs and cats than is otherwise specified in TMC Title 18.

23. *"Running at large"* means to be off the premises of the owner and not under the control of the owner, or competent person authorized by the owner, either by leash, verbal voice or signal control.

24. *"Service animal"* means any animal that is trained or being trained to aid a person who is blind, hearing impaired or otherwise disabled and is used for that purpose and is registered with a recognized service animal organization.

25. *"Shelter"* means a facility that is used to house or contain stray, homeless, abandoned or unwanted animals and that is owned, operated or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit organization or person devoted to the welfare, protection and humane treatment of animals.

26. *"Signal control"* means a battery-powered collar that uses a remote control to send electric stimulation to control a dog's behavior.

27. *"Special hobby kennel license"* means a license issued under certain conditions to pet owners, who do not meet the requirements for a hobby kennel license, to allow them to retain only those specific dogs and cats then in their possession until such time as the death or transfer of the animals reduces the number they possess to the legal limit in TMC Title 18.

28. *"Under control"* means the animal is either under competent voice control or competent signal control, or both, so as to be restrained from approaching any bystander or other animal and from causing or being the cause of physical property damage when off a leash or off the premises of the owner.

29. *"Vicious"* means having performed the act of, or having the propensity to do any act, endangering the safety of any person, animal or property of another, including, but not limited to, biting a human being or attacking a human being or domesticated animal without provocation.

(Ord. 2466 §4 (part), 2015)

II. LICENSING

7.12.030 Pet licenses – required – issuance – penalty – fee use – improper checks – exceptions

A. All dogs and cats eight weeks old and older that are harbored, kept or maintained in the City shall be licensed and registered. Licenses shall be renewed on or before the date of expiration.

B. Upon application and the payment of a license fee made payable to the King County Treasury according to the schedule provided in TMC Section 7.12.035, a pet license shall be issued by the Regional Animal Services Section and may be issued by shelters, veterinarians, pet shops, catteries and kennels and other approved locations, under contract with the King County Regional Animal Services Section.

1. Pet licenses for dogs and cats shall be valid for a term of one year from issuance, expiring on the last day of the twelfth month. There is no proration of any license fees. Renewal licenses shall retain the original expiration period whether renewed before, on or after their respective renewal months.

2. Juvenile licenses may be obtained in lieu of an unaltered pet license for pets from eight weeks to six months old.

3. King County residents 65 years old or older may purchase a discounted pet license for their cats or dogs that are neutered or spayed and that are maintained at the registered owner's registered address. Residents 65 years old or older who have previously obtained a special permanent license for their cats or dogs shall not be required to purchase a new license for the permanently licensed animals.

4. Disabled residents that meet the eligibility requirements of the Metro Regional Reduced Fare Permit Program authorized in King County Code Chapter 28.94 may purchase a discounted pet license for their cats or dogs that are neutered or spayed and that are maintained at the registered owner's registered address.

5. Applications for a pet license shall be on forms provided by the Regional Animal Services Section.

6. License tags shall be worn by dogs at all times. As an alternative to a license tag, a dog or cat may be identified as licensed by being tattooed on its right ear or on its inside right thigh or groin with a license number approved or issued by the Regional Animal Services Section.

7. Owners of dogs or cats who hold valid licenses from other jurisdictions and who move into the City may transfer the license by paying a transfer fee. The license shall maintain the original license's expiration date.

8. It is a violation of this chapter for any person to sell or transfer ownership of any pet without a pet license. The Regional Animal Services Section shall be notified of the name, address and telephone number of the new owner by the person who sold or transferred the pet.

9. An applicant may be denied the issuance or renewal of a pet license if the applicant was previously found in violation of the animal cruelty provisions of King County Code Section 11.04.250, TMC Section 7.12.250 or convicted of animal cruelty under RCW 16.52.205 or 16.52.207.

a. An applicant may be denied the issuance or renewal of a pet license for up to:

(1) four years, if found in violation of the animal cruelty provisions of King County Code Section 11.04.250, TMC Section 7.12.250 or convicted of a misdemeanor under RCW 16.52.207; or

(2) indefinitely, if convicted of a felony under RCW 16.52.205.

b. Any applicant who is either the subject of a notice and order under King County Code Section 11.04.250, TMC Section 7.12.250 or charged with animal cruelty under RCW 16.52.205 or 16.52.207, may have the issuance or renewal of their pet license denied pending the final result of either the notice and order or charge.

10. The denial of the issuance or renewal of a pet license is subject to appeal, in accordance with TMC Section 7.12.270.

11. Cat or dog owners are subject to a penalty according to the schedule in TMC Section 7.12.035 for failure to comply with the licensing requirement in TMC Section 7.12.030(A).

C. A late fee shall be charged on all pet license applications, according to the schedule provided in TMC Section 7.12.035.

D. All fees and fines collected under this chapter shall be deposited in the King County general fund to be applied solely to regional animal services. The Records and Licensing Services Division is authorized to accept credit and bank card payments for fees and penalties imposed under this title, in accordance with King County Code Chapter 4.100.

E. It is a violation of this chapter for any person to knowingly issue a check for which funds are insufficient or to stop payment on any check written in payment of fees in this chapter. Any license or penalty paid for with those types of checks are, in the case of the license, invalid; and in the case

of the penalty, still outstanding. Costs incurred by the City and/or county in collecting checks of this nature shall be considered a cost of abatement and are personal obligations of the animal owner under TMC Section 7.12.300.

F. With the exception of TMC Section 7.12.030(G), this section shall not apply to dogs or cats in the custody of a veterinarian or shelter or whose owners are non-residents temporarily within the county for a period not exceeding 30 days.

G. Veterinarians and shelters that sell or give away a dog or cat without a license shall make license application materials available to the new pet owner and shall provide the Regional Animal Services Section monthly with the list of information required by TMC Section 7.12.070 for any dogs and cats given away or sold.

(Ord. 2466 §4 (part), 2015)

7.12.033 Animal shelter, kennel, grooming service, cattery and pet shop – general licenses – requirements

All hobby kennels and hobby catteries must be licensed by the Regional Animal Services Section. Licenses shall be valid for one year from the date of application. Fees shall be assessed as provided in TMC Section 7.12.035. There is no proration of the license fee. Renewal licenses shall retain the original expiration date whether renewed on or after their respective renewal month. Issuance of a license under this section shall not excuse any requirement to obtain a private animal placement permit.

(Ord. 2466 §4 (part), 2015)

7.12.035 License fees and penalties

Except for fees and penalties as explicitly provided in this Title 7 of the Tukwila Municipal Code, the City hereby adopts by reference the animal license and registration fees, business and activity permit fees, civil penalties, and service fees as adopted by King County and codified in King County Code Chapter 11.04, as it now reads and as hereafter amended.

(Ord. 2466 §4 (part), 2015)

7.12.050 Animal shelter cattery, pet shop, grooming service and kennel license – information required

Shelters, catteries, pet shops, grooming services and kennels shall comply with the licensing requirements of the Seattle-King County Department of Public Health. Subject to applicable restrictions in TMC Title 18, the facilities may board animals as authorized by their Seattle-King County Department of Public Health license.

(Ord. 2466 §4 (part), 2015)

7.12.060 Hobby kennel or hobby cattery licenses – required – limitations – requirements – issuance and maintenance – special hobby kennel license

A. It is unlawful for any person to keep and maintain any hobby kennel or hobby cattery without a valid and subsisting license therefor. The fee for such an annual license shall be assessed upon the owner or keeper of the animals and shall be as provided in TMC Section 7.12.035. In addition, each animal that is maintained at a hobby kennel or hobby cattery shall be licensed individually under TMC Section 7.12.030.B.

B. Any hobby kennel or hobby cattery license shall limit the total number of adult dogs and cats kept by the hobby kennel or hobby cattery based on:

1. Animal size.
2. Type and characteristics of the breed.
3. The amount of lot area, though the maximum

number shall not exceed:

a. 25 where the lot area contains 5 acres or more;

b. 10 where the lot area contains 35,000 square feet but less than 5 acres; and

c. 5 where the lot area is less than 35,000 square feet.

4. The facility specifications and dimensions in which the dogs and cats are to be maintained.

5. The zoning classification in which the hobby kennel or hobby cattery would be maintained.

C. The following are requirements for hobby kennels and hobby catteries:

1. All open run areas shall be completely surrounded by a 6-foot fence set back at least 20 feet from all property lines, though this requirement may be modified for hobby catteries as long as the open run area contains the cats and prohibits the entrance of children. For purposes of this section, "open run area" means that area, within the property lines of the premises on which the hobby kennel or hobby cattery is to be maintained, where the dogs and cats are sheltered or maintained. If there is no area set aside for sheltering or maintaining the dogs within the property lines of the premises, the 20-foot setback does not apply. The property lines of premises not containing an open run area must be completely surrounded by a 6-foot fence.

2. No commercial signs or other appearances advertising the hobby kennel or hobby cattery are permitted on the property except for the sale of the allowable offspring set forth in this section.

3. The manager of the Regional Animal Services Section or the City may require setback, additional setback, fencing, screening or soundproofing as the manager or City deems necessary to ensure the compatibility of the hobby kennel or hobby cattery with the surrounding neighborhood. Factors to be considered in determining the compatibility are:

a. Statements regarding approval or disapproval of surrounding neighbors relative to maintenance of a hobby kennel or hobby cattery at the address applied for.

b. History of verified animal care and control complaints relating to the dogs and cats of the applicant at the address for which the hobby kennel or hobby cattery is applied for.

c. Facility specifications or dimensions in which the dogs and cats are to be maintained.

d. Animal size, type and characteristics of breed.

e. The zoning classification of the premises on which the hobby kennel or hobby cattery is maintained.

4. The hobby kennel or hobby cattery shall limit dog and cat reproduction to no more than one litter per license year per female dog and two litters per license year per female cat.

5. Each dog and cat in the hobby kennel or hobby cattery shall have current and proper immunization from disease according to the dog's and cat's species and age. The immunizations shall consist of distemper, hepatitis, leptospirosis, parainfluenza and parvo virus (DHLPP) inoculation for dogs over three months old and feline herpesvirus 1, calicivirus and panleukopenia virus (FVRCP) inoculation for cats over two months old and rabies inoculations for all dogs and cats over four months old.

D. A hobby kennel or hobby cattery license may be issued only when the manager of the Regional Animal Services Section is satisfied that the requirements of TMC Section 7.12.060.C.1 through 5 have been met. The license may be terminated if the number of dogs and cats exceeds the number allowed by the Regional Animal Services Section or if the facility fails to comply with any of the requirements of TMC Section 7.12.060.C.1 through 5.

E. Special Hobby Kennel License.

1. Persons owning a total number of dogs and cats exceeding three, who do not meet the requirements for a hobby kennel license, may be eligible for a special hobby kennel license to be issued at no cost by the Regional Animal Services Section, which shall allow them to retain the specific animals then in their possession, but only if the following conditions are met:

a. the applicant must apply for the special hobby kennel license and individual licenses for each dog and cat by July 6, 1992, or at the time they are contacted by an animal care and control officer, King County license inspector or King County pet license canvasser; and

b. the applicant is keeping the dogs and cats for the enjoyment of the species, and not as a commercial enterprise.

2. The special hobby kennel license shall only be valid for those specific dogs and cats in the possession of the applicant at the time of issuance, and is intended to allow pet owners to possess animals beyond the limits otherwise imposed by TMC Title 18 until such a time as the death or transfer of the animals reduces the number possessed to the legal limit set forth in TMC Title 18.

3. The manager of the Regional Animal Services Section may deny any application for a special hobby kennel license:

a. based on past animal care and control code violations by the applicant's dogs and cats or verified complaints from neighbors regarding the applicant's dogs and cats; or

b. if the animal or animals are maintained in inhumane conditions.

(Ord. 2466 §4 (part), 2015)

7.12.070 Animal shelters, kennels, hobby kennels, catteries, hobby catteries or pet shops – reporting required

Each animal shelter, kennel, hobby kennel, cattery, hobby cattery or pet shop shall provide the Regional Animal Services Section with a monthly list of all dogs and cats that it has given away or sold. The list shall include the origin, age, sex, color, breed, altered status and, if applicable, microchip number and license number of each dog or cat given away or sold and the new owner's name, address and, if available, email address and telephone number.

(Ord. 2466 §4 (part), 2015)

7.12.080 Animal shelters, kennels, catteries, grooming service or pet shops – inspections – unsanitary conditions unlawful

A. It shall be the duty of the director of the Seattle-King County Department of Public Health or the director's agent or the manager of the Regional Animal Services Section or the manager's agent to make or cause to be made such an inspection as may be necessary to determine compliance with TMC Sections 7.12.090, 7.12.100 and 7.12.110. The owner or keeper of an animal shelter, kennel, cattery, grooming service or pet shop shall admit to the premises, for the purpose of making an inspection, any officer, agent or employee of the Seattle-King County Department of Public Health or animal care and control authority at any reasonable time that admission is requested.

B. It is unlawful to keep, use or maintain within the City any animal shelter, kennel, cattery, grooming service or pet shop that is unsanitary, nauseous, foul or offensive, or in any way detrimental to public health or safety and not in compliance with TMC Sections 7.12.070, 7.12.090, 7.12.100 or 7.12.110.

(Ord. 2466 §4 (part), 2015)

7.12.090 Animal shelters, kennels, grooming services, catteries and pet shops – conditions

Animal shelters, kennels, catteries, grooming services and pet shops shall meet the following conditions:

1. Housing facilities shall be provided the animals and such shall be structurally sound and shall be maintained in good repair, shall be designed so as to protect the animals from injury, shall contain the animals, and shall restrict the entrance of other animals.

2. Electric power shall be supplied in conformance with city, county, and state electrical codes adequate to supply lighting and heating as may be required by this chapter. Water shall be supplied at sufficient pressure and quantity to clean indoor housing facilities and primary enclosures of debris and excreta.

3. Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.

4. Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be maintained in a sanitary condition, free from the infestation or contamination of insects or rodents or disease, and from obnoxious or foul odors.

5. Washroom facilities, including sinks and toilets, with hot and cold water, must be conveniently available for cleaning purposes, and a large sink or tub provided for the purpose of washing utensils, equipment and facilities.

6. Sick animals shall be separated from those appearing healthy and normal and, if for sale, shall be removed from display and sale. Sick animals shall be kept in isolation quarters with adequate ventilation to keep from contaminating well animals.

7. There shall be an employee on duty at all times during hours any store is open whose responsibility shall be the care and welfare of the animals in that shop or department held for sale or display.

8. An employee or owner shall come in to feed, water and do the necessary cleaning of animals and birds on days the store or shop is closed.

9. No person, persons, association, firm or corporation shall knowingly sell a sick or injured animal or bird.

10. No person, persons, association, firm or corporation shall misrepresent an animal or bird to a consumer in any way.

(Ord. 2466 §4 (part), 2015)

7.12.100 Animal shelters, kennels, catteries, grooming services and pet shops – indoor facilities

Animal shelters, kennels and pet shops which have indoor housing facilities for animals and birds shall:

1. Be sufficiently heated or cooled to protect such animals from temperatures to which they are not normally acclimatized.
2. Be adequately ventilated to provide for the health of animals contained therein and to assist in the removal of foul and obnoxious odors. Provision shall be made so that the volume of air within any enclosed indoor facility shall be changed three times or more each hour. This may be accomplished through the location and periodic opening of doors and windows. If fans or ventilating equipment are used, they shall be constructed in conformance with current standards of good engineering practice with respect to noise and minimization of drafts.
3. Have sufficient natural or artificial lighting to permit routine inspection and cleaning at any time of day. In addition, sufficient natural or artificial lighting shall be supplied in the area of sinks and toilets to provide for the hygiene of animal caretakers.
4. Have interior wall and ceiling surfaces constructed of materials that are resistant to the absorption of moisture and odors, or such surfaces shall be treated with a sealant or with paint, when such materials are not originally resistant to moisture or odors. Floor surfaces shall not be made of unsealed wood. In addition, interior walls shall be constructed so that the interface with floor surfaces is sealed from the flow or accumulation of moisture or debris.
5. Contain a drainage system which shall be connected to a sanitary sewer or septic tank system that conforms to the standards of building codes in force within the City and shall be designed to rapidly remove water and excreta in the cleaning of such indoor housing facility under any condition of weather or temperature; provided, this requirement shall not apply to hobby kennels and pet shops. All indoor housing facilities for animals, fish, or birds shall be maintained in a clean and sanitary condition and a safe and effective disinfectant shall be used in the cleaning of such facilities.

(Ord. 2466 §4 (part), 2015)

7.12.110 Animal shelters, kennels, catteries and pet shops – outdoor facilities

Animal shelters, kennels, catteries and pet shops which have outdoor facilities for animals and birds shall:

1. Be constructed to provide shelter from excessive sunlight, rain, snow, wind, or other elements. In addition, such facilities shall be constructed to provide sufficient space for the proper exercise and movement of each animal contained therein.
2. Be constructed to provide drainage and to prevent the accumulation of water, mud, debris, excreta, or other materials and shall be designed to facilitate the removal of animal and food wastes.
3. Be constructed with adequate walls or fences to contain the animals kept therein and to prevent entrance of other animals.

(Ord. 2466 §4 (part), 2015)

7.12.130 Grooming parlors – conditions

Grooming parlors shall:

1. Not board animals but keep only dogs and cats for a reasonable time in order to perform the business of grooming.
2. Provide such restraining straps for the dog or cat while it is being groomed so that such animal shall neither fall nor be hanged.
3. Sterilize all equipment after each dog or cat has been groomed.
4. Not leave animals unattended before a dryer.
5. Not prescribe treatment or medicine that is the province of a licensed veterinarian as provided in RCW 18.92.010.
6. Not put more than one animal in each cage.
7. All floors and walls in rooms, pens and cages used to retain animals or in areas where animals are clipped, groomed or treated must be constructed of water impervious material that can readily be cleaned, and must be maintained in good repair.
8. Hot and cold water must be conveniently available and a large sink or tub provided (minimum size 24 inches by 18 inches by 12 inches).
9. Toilet and hand-washing facilities with hot and cold running water must be conveniently available for personnel employed.
10. Only equipment necessary to the operation of the licensed establishment shall be kept or stored on the premises and shall only be stored in a sanitary or orderly manner.
11. All cages, pens, or kennels used for holding animals shall be kept in a clean and sanitary condition and must be disinfected on a routine basis.

(Ord. 2466 §4 (part), 2015)

7.12.140 Animal shelters, hobby kennels, kennels, pet shops, grooming parlors, guard dog purveyors, guard dog trainers and guard dog owners – additional conditions

The manager of the Regional Animal Services Section is authorized to promulgate rules and regulations not in conflict with the Tukwila Municipal Code as they pertain to the conditions and operations of animal shelters, hobby kennels, kennels, hobby catteries, catteries, pet shops and grooming parlors, guard dog purveyors, guard dog trainers and guard dog owners in the City of Tukwila.

(Ord. 2466 §4 (part), 2015)

7.12.150 Licenses, registration – revocation, suspension or refusal to renew

The Regional Animal Services Section may, in addition to other penalties provided in this title, revoke, suspend or refuse to renew any hobby kennel, hobby cattery, guard dog purveyor, guard dog trainer license or guard dog registration upon good cause or for failure to comply with any provision of this title. Enforcement of such a revocation, suspension or refusal shall be stayed during the pendency of an appeal filed in accordance with TMC Section 7.12.260.

(Ord. 2466 §4 (part), 2015)

7.12.160 Licenses, registration – revocation or refusal waiting period

If an applicant has had a license or registration revoked or a renewal refused, the applicant shall not be issued a hobby kennel license, hobby cattery license, guard dog purveyor license, guard dog trainer license or guard dog registration for one year after the revocation and refusal.

(Ord. 2466 §4 (part), 2015)

7.12.165 Individual private animal placement permit – required – qualifications – limitations – inspection, denial and revocation

A. Any person independently engaged in the fostering of dogs and cats who routinely possesses more dogs and cats than are otherwise allowed in TMC Title 18 must obtain a private animal placement permit from the Regional Animal Services Section. Permits shall be valid for one year from issuance and may not be transferred.

B. In order to qualify for a private animal placement permit, an applicant must:

1. Maintain and care for dogs and cats in a humane and sanitary fashion, in compliance with TMC Section 7.12.090.

2. Foster the dogs and cats at a location that is compatible with the surrounding neighborhood.

3. Agree to return stray or lost animals to their owners in accordance with TMC Section 7.12.210 before placing the animals in an adoptive home.

4. Agree to spay or neuter and license each dog or cat before placement into its new home and transfer the license of each animal to its adoptive owner.

5. Agree to coordinate their adoption process with the Regional Animal Services Section, including reporting on the disposition of each animal, and only adopting to owners who would qualify to adopt an animal from a King County animal care and control shelter based on the adoption procedures and guidelines used by the Regional Animal Services Section.

C. Individuals or organizations holding a private animal placement permit shall be allowed to possess five foster animals above the limit that would normally apply to their property under TMC Title 18.

D. Permit holders are required to locate an adoptive home for each dog or cat within six months of acquiring the dog or cat. If, after six months, an adoptive home has not been found for a dog or cat, the Regional Animal Services Section shall review the situation to determine if the permit holder is complying with the permit. If the manager of the Regional Animal Services Section ascertains that a good faith effort is being made to locate adoptive homes, a six-month extension may be granted.

E. The presence of juvenile animals shall not necessarily place a permit holder over their limit unless the manager of the Regional Animal Services section determines that juvenile animals are present in such large numbers as to otherwise place the permit holder out of compliance with the permit.

F. Holders of hobby kennel licenses shall be allowed to possess and foster five more animals than are allowed by the conditions of a hobby kennel permit.

G. Regional Animal Services may inspect the facilities of an applicant for a private animal placement permit to determine whether or not such a permit shall be issued. In addition, Regional Animal Services may periodically inspect the facilities of holders of private animal placement permits to ensure compliance with this section. Regional Animal Services may also deny or revoke permits based on any one or more of the following:

1. A failure to meet the qualifications listed in subsections A through F of this section;

2. Verified animal care and control complaints; and

3. Verified complaints by neighbors regarding the failure to comply with private animal placement permit requirements.

(Ord. 2466 §4 (part), 2015)

7.12.167 Organizational private animal placement permit – required – qualifications – limitations – inspection, denial and revocation

A. Any organization engaged in the fostering of dogs and cats whose members routinely or from time to time have in their possession up to five more dogs and cats than are otherwise allowed in TMC Title 18 must obtain private animal placement permits from the Regional Animal Services Section for each of those members. Organizations may purchase up to 5 permits, or up to 20 permits per year. However, the manager of the Regional Animal Services Section may issue more than 20 permits to an organization when to do so would further the goals of the Regional Animal Services Section and be in the public interest. Permits shall be valid for one year from issuance and may be transferred between members of the organization.

B. In order to qualify to distribute private animal placement permits to its members an organization must:

1. Be of a reputable nature and engaged in the fostering of animals solely for the benefit of the animals involved, and not as a commercial enterprise;

2. Agree to furnish animal care and control with the names, addresses and phone numbers of each of the holders of its permits, including immediately furnishing this information when a transfer takes place; and

3. Agree that, to the best of their ability, they shall only distribute permits to individuals who shall comply with the requirements of TMC Section 7.12.165.

(Ord. 2466 §4 (part), 2015)

III. ENFORCEMENT, PENALTIES AND PROCEDURES

7.12.170 Enforcement power

Any law enforcement officer, the manager of the Regional Animal Services Section and the animal care and control officers are authorized to take such lawful action as may be required to enforce this chapter and TMC Title 18, as they pertain to the keeping of animals, and the laws of the state of Washington as the laws pertain to animal cruelty, shelter, welfare and enforcement of control.

(Ord. 2466 §4 (part), 2015)

7.12.180 Violations – deemed nuisance – abatement

All violations of this chapter are detrimental to the public health, safety and welfare and are public nuisances. All conditions that are determined after review by the manager of the Regional Animal Services Section to be in violation of this chapter shall be abated.

(Ord. 2466 §4 (part), 2015)

7.12.190 Violations – Misdemeanor – penalty

Any person who allows an animal to be maintained in violation of this chapter is guilty of a misdemeanor.

(Ord. 2466 §4 (part), 2015)

7.12.200 Violations – civil penalty

In addition to or as an alternative to any other penalty provided in this chapter or by law, any person whose animal is maintained in violation of this chapter shall incur a civil penalty in an amount not to exceed \$1,000 per violation to be directly assessed by the manager of the animal care and control authority plus billable costs of the animal care and control authority. The manager, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriateness of the penalty to the nature and type of violation, the gravity of the violation, the number of past and present violations committed and the good faith of the violator in attempting to achieve compliance with prescribed requirements or after notification of a violation. All civil penalties assessed shall be enforced and collected in accordance with the procedure specified in this chapter.

(Ord. 2466 §4 (part), 2015)

7.12.210 Impounding

A. Any law enforcement officer, the manager of the Regional Animal Services Section and the manager's authorized representatives may apprehend any animals found doing any of the acts defined as a public nuisance or being subjected to cruel treatment as defined by law. After the animal is apprehended, the Regional Animal Services Section shall ascertain whether the animal is licensed or otherwise identifiable. If reasonably possible, the Regional Animal Services Section shall return the animal to the owner together with a notice of violation of this chapter.

1. If it is not reasonably possible to immediately return a currently licensed animal to its owner, the Regional Animal Services Section shall notify the owner within a reasonable time by regular mail or telephone that the animal has been impounded and may be redeemed. Any currently licensed animal impounded in accordance with this chapter shall be held for the owner at least 120 hours after telephone contact by the impounding agency or for at least two weeks after posting of the notification of impoundment by regular mail.

2. Any other animal impounded in accordance with this chapter shall be held for its owner at least 72 hours from the time of impoundment.

3. Any animal suffering from serious injury or disease may be euthanized.

4. At the discretion of the impounding authority, any animal may be held for a longer period than otherwise specified in this section and redeemed by any person on payment of charges not exceeding those prescribed in this chapter.

B. Any animal not redeemed shall be treated in one of the following ways:

1. Made available for adoption at the fee provided in TMC Section 7.12.035.

a. As provided in TMC Section 7.12.400, all dogs and cats adopted from the King County animal shelter shall be spayed or neutered before adoption, except that, persons adopting a juvenile may elect not to spay or neuter the animal at the time of adoption if such persons purchase a juvenile license and pre-purchase an adult altered license, effective the month that the animal would become six months of age. Such persons shall also pay a spay or neuter deposit that shall be returned to the adopting person upon submission of proof that the sterilization was performed within six months from the adoption. Failure to spay or neuter such a dog or cat is a violation of this chapter and a breach of the adoption contract and shall result in the forfeiture of the adoption and return of the dog or cat to King County animal care and control for the required spaying or neutering. Persons adopting a juvenile dog or cat that is spayed or neutered may purchase an adult altered license at the time of adoption, effective for one year.

b. The manager of the Regional Animal Services Section may adopt administrative rules regarding the adoption of animals from King County shelters; or

2. Transferred to another animal welfare organization for adoption;

3. Entered into foster care; or

4. Euthanized.

C. The county shall not sell any animals for the purposes of medical research to any research institute or any other purchasers.

D. Any unaltered dog or cat impounded more than once shall be spayed or neutered pursuant to one of the following options:

1. By Regional Animal Services before the release of the dog or cat. If the dog or cat is spayed or neutered by the Regional Animal Services Section, the cost of the spay or neuter shall be charged to the owner upon redemption but shall be deducted from the impound and redemption fees otherwise required under this chapter.

2. At the request of the owner, after release of the dog or cat to the owner, but only if the owner agrees to pay a cash deposit of \$250 and provides proof of neutering or spaying on a form provided by the Regional Animal Services Section. In order for the deposit to be refunded to the owner, the form must be certified by a licensed veterinarian within 10 days of release of the dog or cat to the owner. If proof of neutering or spaying is not provided within 10 days, Regional Animal Services may again impound the dog or cat to verify that it is spayed or neutered. If the animal is not spayed or neutered, the Regional Animal Services Section may spay or neuter the animal before it is released to the owner.

(Ord. 2466 §4 (part), 2015)

7.12.220 Additional enforcement

Notwithstanding the existence or use of any other remedy, the City or the manager of the Regional Animal Services Section may seek legal or equitable relief to enjoin acts or practices and abate any conditions that constitute a violation of this chapter or other regulations adopted under this chapter.

(Ord. 2466 §4 (part), 2015)

7.12.225 Additional enforcement – cruelty to animals

A. The manager of the animal care and control authority may prohibit a person who is issued a notice and order for violation of King County Code Section 11.04.250 or TMC Section 7.12.250, or who is either charged or convicted of animal cruelty under either RCW 16.52.205 or 16.52.207, from owning, harboring, keeping or maintaining any animal if the manager determines that the enforcement furthers the purposes of this chapter, in accordance with the following:

A person may be prohibited from owning, harboring, keeping or maintaining any animal:

1. For up to four years, if the person is found in violation of the animal cruelty provisions of King County Code Section 11.04.250 or TMC Section 7.12.250 or convicted of a misdemeanor under RCW 16.52.207;

2. Indefinitely, if the person is convicted of a felony under RCW 16.52.205; or

3. Pending the final adjudication of either a notice and order issued under King County Code Section 11.04.250, TMC Section 7.12.250 or a charge under RCW 16.52.205 or 16.52.207.

B. The director or authorized animal care and control officer may enforce this section through the notice and order process in King County Code Section 11.04.260 or TMC Section 7.12.260. A notice and order issued to enforce this section is subject to appeal, in accordance with King County Code Section 11.04.270 or TMC Section 7.12.270.

(Ord. 2466 §4 (part), 2015)

7.12.230 Nuisances defined

For purposes of this chapter, nuisances are violations of this chapter and shall be defined as follows: (In the event of a conflict between this section and the provisions in TMC Chapter 7.16, "Dangerous Dogs," or TMC Chapter 7.20, "Dogs at Large and Leashes," the provisions of TMC Chapters 7.16 and 7.20 shall apply.)

1. Any public nuisance relating to animal care and control known at common law or in equity jurisprudence.

2. Any domesticated animal, whether licensed or not, that runs at large in any park or enters any public beach, pond, fountain or stream or upon any public playground or school ground. However, this subsection shall not prohibit a person from walking or exercising an animal in a public park or on any public beach when the animal is on a leash, tether or chain not to exceed eight feet in length or signal control. Also, this subsection shall not apply to any person using a trained service animal, to animal shows, exhibitions or organized dog-training classes if at least 24 hours' advance notice has been given to the animal care and control authority by those persons requesting to hold the animal shows, exhibitions or organized dog-training classes.

3. Any domesticated animal that enters any place where food is stored, prepared, served or sold to the public, or any other public building or hall. However, this subsection shall not apply to any person using a trained service animal, to veterinary offices or hospitals or to animal shows, exhibitions or organized dog-training classes if at least 24 hours' advance notice has been given to the animal care and control authority by the persons requesting to hold the animal shows, exhibitions or organized dog-training classes.

4. Any female domesticated animal, whether licensed or not, while in heat and accessible to other animals for purposes other than controlled and planned breeding.

5. Any domesticated animal that chases, runs after or jumps at vehicles using the public streets and alleys.

6. Any domesticated animal that habitually snaps, growls, snarls, jumps upon or otherwise threatens persons lawfully using the public sidewalks, streets, alleys or other public ways.

7. Any animal that has exhibited vicious propensities and constitutes a danger to the safety of persons or property off the animal's premises or lawfully on the animal's premises. However, in addition to other remedies and penalties, the provisions of this chapter relating to vicious animals shall apply.

8. Any vicious animal or animal with vicious propensities that runs at large at any time or is off the owner's premises not securely leashed on a line or confined and in the control of a person of suitable age and discretion to control or restrain the animal. However, in addition to other remedies and penalties, the provisions of this chapter relating to vicious animals shall apply.

9. Any domesticated animal that howls, yelps, whines, barks or makes other oral noises, in such a manner as to disturb any person or neighborhood to an unreasonable degree.

10. Any domesticated animal that enters upon a person's property without the permission of that person

11. Animals staked, tethered or kept on public property without prior written consent of the animal care and control authority.

12. Animals on any public property not under control by the owner or other competent person.

13. Animals harbored, kept or maintained and known to have a contagious disease unless under the treatment of a licensed veterinarian.

14. Animals running in packs.

(Ord. 2466 §4 (part), 2015)

7.12.235 Transfer of unaltered dogs and cats prohibited

It is a violation of this chapter to sell or give away unaltered dogs and cats in any public places or to auction off or raffle unaltered dogs and cats as prizes or gifts.

(Ord. 2466 §4 (part), 2015)

7.12.240 Unlawful acts against police department dogs – penalty for violation

A. No person shall willfully torment, torture, beat, kick, strike or harass any dog used by a police department for police work, or otherwise interfere with the use of any such dog for police work by said department or its officers or members.

B. Any person who violates TMC Section 7.12.240.A shall be deemed guilty of a class C felony. In addition to the criminal penalty, the court may impose a civil penalty of up to \$5,000 for harming a police dog. The court shall impose a civil penalty of at least \$5,000 and may increase the penalty up to a maximum of \$10,000 for killing a police dog.

(Ord. 2466 §4 (part), 2015)

7.12.250 Violations – unlawful acts – cruelty to animals – database

A. It is unlawful for any person to:

1. Willfully and cruelly injure or kill any animal by any means causing it fright or pain.

2. By reason of neglect or intent to cause or allow any animal to endure pain, suffering or injury or to fail or neglect to aid or attempt alleviation of pain, suffering or injury the person has so caused to any animal.

3. Lay out or expose any kind of poison, or to leave exposed any poison food or drink for humans, animals or fowl, or any substance or fluid whatever whereon or wherein there is or shall be deposited or mingled, any kind of poison or deadly substance or fluid whatever, on any premises, or in any unenclosed place, or to aid or abet any person in so doing, unless in accordance with RCW 16.52.190.

4. Abandon any domesticated animal by dropping off or leaving the animal on the street, road or highway, in any other public place or on the private property of another.

B. The Regional Animal Services Section shall keep a database containing the names of all persons who are either found in violation of King County Code Section 11.04.250, TMC Section 7.12.250 or charged or convicted of animal cruelty under either RCW 16.52.205 or 16.52.207. Further, the Regional Animal Services Section shall coordinate with law enforcement, when necessary, to keep this database current.

(Ord. 2466 §4 (part), 2015)

7.12.260 Violations – notice and order

A. Whenever the manager of the Regional Animal Services Section or animal care and control officer has found an animal maintained in violation of this chapter, the manager of the Regional Animal Services Section shall commence proceedings to cause the abatement of each violation.

B. The manager of the Regional Animal Services Section or animal care and control officer shall issue a notice of violation and an order directed to the owner or the person presumed to be the owner of the animal maintained in violation of this chapter. The notice and order shall contain:

1. The name and address if known of the owner or person presumed to be the owner of the animal in violation of this chapter.

2. The license number, if available, and description of the animal in violation sufficient for identification.

3. A statement to the effect that the manager or animal care and control officer has found the animal maintained illegally with a brief and concise description of the conditions that caused the animal to be in violation of this chapter, including reference to the specific sections of code or statute violated and, where relevant, reference to the specific sections of code or statute authorizing removal of the animal.

4. A statement of the action required to be taken to abate the violation, as determined by the manager of the Regional Animal Services Section.

a. If the manager has determined the animal in violation must be disposed of, the order shall require that the abatement be completed within a specified time from the order as determined by the manager to be reasonable.

b. If the manager of the Regional Animal Services Section determined to assess a civil penalty, the order shall require that the penalty shall be paid within 14 days from the order.

5. Statements advising that if any required abatement is not commenced within the time specified, the manager of the Regional Animal Services Section shall proceed to cause abatement and charge the costs thereof against the owner.

6. Statements advising:

a. that a person having a legal interest in the animal may appeal from the notice of violation and order or

any action of the manager of the Regional Animal Services Section to the board of appeals, but only if the appeal is made in writing as provided by this chapter and filed with the manager of the Regional Animal Services Section within 14 days from the service of the notice of violation and order; and

b. that failure to appeal constitutes a waiver of all right to an administrative hearing and determination of the matter.

C. The notice and order shall be served on the owner or presumed owner of the animal in violation.

D. Service of the notice of violation and order shall be made upon all persons entitled thereto:

1. Personally;

2. By mailing a copy of the notice of violation and order by certified mail, postage prepaid, return receipt requested, to the person at the person's last known address; or

3. By posting the notice of violation and order on the front door of the living unit of the owner or person with right to control the animal if the owner or person is not home.

E. Proof of service of the notice of violation and order shall be made at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made.

(Ord. 2466 §4 (part), 2015)

7.12.270 Appeals

A. The King County Board of Appeals, as established by Article 7 of the King County Charter, is designated to hear appeals by parties aggrieved by actions of the manager of the Regional Animal Services Section under this chapter. The Board may adopt reasonable rules or regulations for conducting its business. Copies of all rules and regulations adopted by the Board shall be delivered to the manager of the Regional Animal Services Section, who shall make them freely accessible to the public. All decisions and findings of the Board shall be rendered to the appellant in writing with a copy to the manager of the Regional Animal Services Section.

B. Any person entitled to service under TMC Section 7.12.260.B may appeal from any notice and order or any action of the manager of the Regional Animal Services Section under this chapter by filing at the office of the manager of the Regional Animal Services Section within 14 days from the service of the order, a written appeal containing:

1. A heading in the words: "Before the Board of Appeals of the County of King".

2. A caption reading: "Appeal of _____," giving the names of all appellants participating in the appeal.

3. A brief statement setting forth the legal interest of each of the appellants in the animal involved in the notice and order.

4. A brief statement in concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

5. A brief statement in concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.

6. The signatures of all parties' names as appellants, and their official mailing addresses.

7. The verification, by declaration under penalty of perjury, of at least one appellant as to the truth of the matters stated in the appeal.

C. The Board of Appeals shall set a time and place, not more than 30 days from the notice of appeal for a hearing on the appeal. Written notice of the time and place of hearing shall be given at least 10 days before the hearing to each appellant by the manager-clerk of the Board.

D. At the hearing, the appellant shall be entitled to appear in person, to be represented by counsel and to offer evidence that is pertinent and material to the action of the manager of the Regional Animal Services Section. Only those matters or issues specifically raised by the appellant in the written notice of appeal shall be considered.

E. Failure of any person to file an appeal in accordance with this section shall constitute a waiver of the right to an administrative hearing.

F. Enforcement of any notice and order of the manager of the Regional Animal Services Section issued under this chapter shall be stayed during the pending of an appeal, except impoundment of an animal that is vicious or dangerous or cruelly treated.

G. In proceedings before the Board, the Regional Animal Services Section shall bear the burden of proving by a preponderance of the evidence both the violation and the appropriateness of the remedy it has imposed.

(Ord. 2466 §4 (part), 2015)

7.12.280 Redemption procedures

Any animal impounded pursuant to the provisions of TMC Section 7.12.210 may be redeemed upon payment of the redemption fee as provided in TMC Section 7.12.035. Owners of impounded licensed dogs or cats shall not be charged a redemption fee on the first offense but shall be charged on the second offense at the second offense rate. An additional kenneling fee for each 24-hour period, or portion thereof, during which such dog or cat is retained by the impounding agency shall be made payable to King County. The redemption fee for livestock shall be as provided in TMC Section 7.12.035 plus any hauling and boarding costs due. Livestock not redeemed may be sold at public auction by the impounding agency. The hauling and boarding costs for livestock impounded shall be in accordance with the rate established by contract between the county and the given stockyard used for holding such animal.

(Ord. 2466 §4 (part), 2015)

7.12.290 Vicious animals – corrective action

A. Corrective action requirements.

1. An animal declared by the manager of the Regional Animal Services Section to be vicious may be harbored, kept or maintained in King County only upon compliance with those requirements prescribed by the manager. In prescribing the requirements, the manager must take into consideration the following factors:

- a. the breed of the animal and its characteristics;
- b. the physical size of the animal;
- c. the number of animals in the owner's home;
- d. the zoning involved, size of the lot where the animal resides and the number and proximity of neighbors;
- e. the existing control factors including, but not limited to, fencing, caging, runs and staking locations; and
- f. the nature of the behavior giving rise to the manager's determination that the animal is vicious, including:
 - (1) extent of injury or injuries;
 - (2) circumstance, such as time of day, if it was on or off the property and provocation instinct; and
 - (3) circumstances surrounding the result and complaint, such as neighborhood disputes, identification, credibility of complainants and witnesses.

2. Requirements that may be prescribed include, but are not limited to, the following:

- a. Erection of additional or new fencing adequate to keep the animal within the confines of its property.
- b. Construction of a run within which the animal is to be kept. Dimensions of the run shall be consistent with the size of the animal.
- c. Keeping the animal on a leash adequate to control the animal, the length and location to be determined by the manager. When unattended the leash must be securely fastened to a secure object.
- d. Maintenance of the animal indoors at all times, except when personally controlled on a leash adequate to control the animal by the owner or a competent person at least 15 years old.
- e. Removal of the animal from the county within 48 hours from receipt of such a notice.

3. Failure to comply with any requirement prescribed by the manager in accordance with this section constitutes a misdemeanor. Such an animal shall not be kept in the City after 48 hours after receiving written notice from the manager. Such an animal or animals found in violation of this section shall be impounded and disposed of as an unredeemed animal and the owner or keeper of the animal or animals has no right to redeem the animal or animals.

B. Vicious animals deemed public nuisance.

1. Any animal constituting a public nuisance as provided in this chapter shall be abated and removed from the county by the owner or by the manager of the Regional Animal Services Section, upon the receipt of three notices and orders of violation by the owner in any one-year period, though this removal procedure shall not apply to the vicious animal removal procedure set out in TMC Section 7.12.290.A.3. Where it is established by record in accordance with this chapter and no finding was entered showing that the owner will be able to provide reasonable restraints to protect the public from repetitions of violations, the manager of the Regional Animal Services Section shall notify and direct the owner of the animal to abate or remove the same from the county within 96 hours from the notice. If the animal is found to be within the confines of King County after 96 hours have elapsed from the notice, the same shall be abated and removed by the manager of the Regional Animal Services Section. Animals removed in accordance with this section shall be removed from King County or be subjected to euthanasia by the Regional Animal Services Section.

2. Any animal that bites, attacks or attempts to bite one or more persons two or more times within a two-year period is declared to be a public nuisance and shall not be kept within the City 48 hours after receiving written notice from the manager of the Regional Animal Services Section. Such an animal or animals found in violation of this section shall be impounded and disposed of as an unredeemed animal, and the owner or keeper of the animal or animals has no right to redeem the animal.

C. This section shall not apply to dogs, which are governed by the provisions of TMC Chapter 7.16 "Dangerous Dogs."

(Ord. 2466 §4 (part), 2015)

7.12.300 Civil penalty and abatement costs – liability of owner

The civil penalty and the cost of abatement are also personal obligations of the animal owner. The prosecuting attorney on behalf of King County may collect the civil penalty and the abatement work costs by use of all appropriate legal remedies.

(Ord. 2466 §4 (part), 2015)

7.12.310 Costs of enforcement action

In addition to costs and disbursements provided for by statute, the prevailing party in a collection action under this chapter may, in the court's discretion, be allowed interest and a reasonable attorney's fee. The prosecuting attorney shall seek such costs, interest, and reasonable attorney's fees on behalf of King County when the county is the prevailing party.

(Ord. 2466 §4 (part), 2015)

7.12.330 Additional rules and regulations

The Regional Animal Services Section is authorized to make and enforce rules and regulations not inconsistent with the provisions of this chapter section, and it is unlawful to violate or fail to comply with any of such rules and regulations. All of such rules and regulations shall be reduced to writing and adopted in accordance with King County Code Chapter 2.98.

7.12.335 Waiver of fees and penalties

A. The manager of the Regional Animal Services Section may waive or provide periods of amnesty for payment of outstanding licensing fees, late licensing penalty fees, adoption fees and redemption and sheltering fees, in whole or in part, when to do so would further the goals of the Regional Animal Services Section and be in the public interest.

B. In determining whether a waiver should apply, the manager of the Regional Animal Services Section must take into consideration the following elements:

1. The reason the animal was impounded;
2. The reason or basis for the violation, the nature of the violation, the duration of the violation and the likelihood the violation will not recur;
3. The total amount of the fees charged as compared with the gravity of the violation;
4. The effect on the owner, the animal's welfare and the Regional Animal Services Section if the fee or fees or penalties are not waived and no payment is received.

7.12.345 Private animal placement permit – citizen complaint process

A. Upon receiving a citizen complaint involving the maintenance of either an Individual or Organizational Private Animal Placement Permit, the Director of Seattle-King County Department of Public Health shall cause the following to be performed:

1. Issue a Notice of Complaint to the holder of the permit, and the organization which issued the permit, if applicable, advising such person of the allegation(s) made in the complaint.
2. Require the permit holder, and organization if applicable, to respond, in writing, to the allegation(s) in the Notice of Complaint within 10 days of receipt of the Notice of Complaint.
3. Investigate the allegation(s) in the written complaint and the response submitted by the permit holder, and organization, if applicable.
4. Make a finding as to the validity of the allegation(s) in the complaint. If it is found to be a valid complaint, the Director of Seattle-King County Department of Public Health shall revoke the permit pursuant to the qualifications described in TMC Sections 7.12.030 and 7.12.165.

B. Failure to respond, in writing, to a Notice of Complaint within 10 days shall constitute a waiver of the permit holder's, and organization's if applicable, right to contest the allegation(s) in the complaint and shall be prima facie evidence that the allegation(s) are valid, and the permit shall be revoked.

(Ord. 2466 §4 (part), 2015)

IV. MANDATORY SPAY AND NEUTER PROGRAM

7.12.400 Mandatory spaying and neutering

A. No person shall own or harbor any cat or dog over the age of six months that has not been spayed or neutered unless the person holds an unaltered animal license for the animal pursuant to TMC Section 7.12.030.

B. Guide dog puppies in training and police service dogs are exempted from the provisions of this section.

C. Any dog or cat over the age of six months adopted from an animal shelter in the City or King County shall be spayed or neutered before transfer to the owner.

(Ord. 2466 §4 (part), 2015)

V. OTHER PROVISIONS

7.12.510 Unaltered dogs and cats – advertising requirements

No person in the City shall publish or advertise to City residents the availability of any unaltered cat or dog unless the publication or advertisement includes: the unaltered animal's license number or the animal's juvenile license number, provided, however, that nothing in this chapter shall prohibit licensed breeders from advertising in national publications for sale of a planned litter or litters.

(Ord. 2466 §4 (part), 2015)

7.12.520 Rabies vaccination required

All dogs and cats six months of age or older shall be vaccinated against rabies. All vaccinations shall be performed in accordance with the standards contained in the Compendium of Animal Rabies Control as amended, published by the National Association of State Public Health Veterinarians, Inc.

(Ord. 2466 §4 (part), 2015)

7.12.525 Rabies control

Chapter 11.12 of the King County Code, entitled "Rabies Control," as presently constituted or hereafter amended, is hereby adopted by reference except that, unless the context indicates otherwise, the word "county" and the words "King County" shall refer to the City and references to violations of the county code or county ordinances shall be deemed to be references to violations of City ordinances.

(Ord. 2466 §4 (part), 2015)

7.12.530 Exemptions from chapter

The provisions of this chapter shall not apply to dogs and cats in the custody of an animal facility registered or licensed by the United States Department of Agriculture and regulated by 7 United States Code 2131, et seq.

(Ord. 2466 §4 (part), 2015)

7.12.540 Unauthorized release of animals from confinement

No person other than the owner or person authorized by the owner of the animal shall release any animal from any confinement, vehicle or restraint unless the release is necessary for the immediate health and safety of the animal, though this section shall not apply to peace officers and animal care and control officers.

(Ord. 2466 §4 (part), 2015)

CHAPTER 7.16
DANGEROUS DOGS

Sections:

- 7.16.010 Definitions
- 7.16.020 Dangerous and Potentially Dangerous Dogs – Registration, Prohibitions, Etc.
- 7.16.030 Additional Dangerous Dog Regulations
- 7.16.040 Declaration of Dangerous and Potentially Dangerous Dogs
- 7.16.050 Violations – Penalty

7.16.010 Definitions

A. “*Animal Control Authority*” means the department of the City charged with the responsibility of administering the provisions of this chapter, or the department and any other governmental body to which this responsibility is contractually delegated and which is thereby charged with the duty of enforcing the animal control laws of the City and with the shelter and welfare of animals.

B. “*Animal Control Officer*” means any individual employed, contracted, or appointed by the King County Animal Control Authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals; and includes any law enforcement officer, State or municipal peace officer, sheriff, constable, or other employee whose duties in whole or in part include assignments that involve the seizure and taking into custody of any animal.

C. “*City*” shall mean the City of Tukwila.

D. “*County*” or “*King County*” shall mean Metropolitan King County.

E. “*Dangerous dog*” means any dog that:

1. Bites or inflicts severe injury on a human being or a domestic animal without provocation on public or private property; or

2. In an aggressive manner, inflicts severe injury or kills a domestic animal or other animal protected under Federal, State or local laws, without provocation while off the owner's property; or

3. Has been previously found to be potentially dangerous, the owner having received notice of such, and the dog again aggressively bites, attacks or endangers the safety of humans or domestic animals.

(For definition of “*potentially dangerous dog*,” see subparagraph H.)

F. “*Owner*” means any person, firm, corporation, organization or department having an interest in or right of possession to an animal, or having control, custody or possession of an animal, including possession by reason of the animal being seen residing consistently at a location.

G. “*Person*” means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

H. “*Potentially dangerous dog*” means any dog that, when unprovoked:

1. Chases, charges at, or tries to attack, causing a person to take defensive action in order to prevent bodily injury; or

2. Snaps, growls, snarls, jumps upon, or approaches in a menacing fashion or apparent attitude of attack or otherwise threatens persons lawfully using the public sidewalks, streets, alleys or other public ways, or public or private property other than the dog owner's property; or

3. With a known propensity, tendency or disposition to attack, unprovoked, to cause injury or otherwise threaten the safety of humans or domestic animals; or

4. Bites a domestic animal off the dog owner's property, causing the animal's skin to be broken.

I. “*Severe injury*” means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.

(Ord. 2466 §5 (part), 2015)

7.16.020 Dangerous and Potentially Dangerous Dogs – Registration, Prohibitions, Etc.

A. It is unlawful for an owner to have a dangerous dog or a potentially dangerous dog, as defined in TMC Section 7.16.010, in the City except as explicitly authorized by this chapter.

B. No potentially dangerous dog or dangerous dog shall go unrestricted upon the premises of the owner. Further, no potentially dangerous or dangerous dog shall be kept on a porch, patio or in any part of a house or structure that would allow such dog to exit the building on its own volition.

C. All potentially dangerous and dangerous dogs shall be securely confined indoors or in a secure outdoor enclosure. Such an enclosure can be a pen, dog run, or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen, structure, or dog run shall have secure sides and a secure top. The sides of the enclosure shall not directly adjoin a neighboring property. If the pen, structure, or dog run area has no bottom secured to the sides, the sides shall be embedded not less than two feet into the ground. An enclosure with doors, windows, or other openings enclosed solely by wire or mesh screening shall not be considered a proper enclosure as defined in this section.

D. No person owning or harboring, or having the care of, a potentially dangerous or dangerous dog shall permit such dog to go beyond the premises of such person, unless such dog is securely muzzled in a manner that will not cause injury to the dog but shall prevent it from biting any person or animal; and is restrained with a chain, leash, rope or other device of sufficient strength to restrain the dog without causing injury to the dog.

E. Any corrective actions available under TMC Chapter 7.12 must be made as required by an animal control officer.

F. No person shall own or possess with intent to sell, or offer for sale, breed, or buy or attempt to buy within the City any potentially dangerous or dangerous dog.

G. No person shall own or harbor any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purposes of causing or encouraging said dog to unprovoked attacks upon human beings or domestic animals.

(Ord. 2466 §5 (part), 2015)

7.16.030 Additional Dangerous Dog Regulations

Dangerous dogs that have been shown to be a particular threat to the health, safety, and welfare of the community may be subject to additional dangerous dog regulations as follows:

1. A dog that has been declared dangerous may be removed and destroyed if the release of the dog would create a significant threat to the health, safety, and welfare of the public.

2. If it is determined that a dangerous dog shall not be removed or destroyed, the animal control authority shall impose any additional conditions upon the ownership of the dog that protect the health, safety and welfare of the public.

3. The owner of a dangerous dog that is not removed and destroyed shall be required to have a surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a sum not less than \$250,000 payable to a person injured by the dog; or a policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least \$250,000, insuring the owner or keeper for personal injuries inflicted by the dangerous dog, with a certificate from the insurer providing for written notice to the City within 30 days of cancellation, reduction of limits, or termination of coverage.

4. A copy of the surety bond or liability insurance policy shall be provided to the City before the dangerous dog is returned to Tukwila to live.

(Ord. 2466 §5 (part), 2015)

7.16.040 Declaration of Dangerous and Potentially Dangerous Dogs

A. **Provision for declaring dangerous and potentially dangerous dogs.** Based on an investigation, the animal control authority may find and declare a dog "potentially dangerous" or "dangerous" if it has probable cause to believe that the dog falls within the definitions set in TMC Section 7.16.010. For the purposes of this chapter, the determination of probable cause may include:

1. The written complaint of a citizen who is willing to testify that the dog has acted in a manner that causes it to fall within the definitions in TMC Section 7.16.010; or

2. Dog bite reports filed with the animal control authority; or

3. Actions of the dog witnessed by any animal control officer or law enforcement officer; or

4. A verified report that the dog previously has been found to be either potentially dangerous or dangerous by any animal control authority; or

5. Other substantial evidence admissible in a court of law.

B. **Exception.** Dogs shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog, or in the past has been observed or reported to have tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

C. **Declaration, service to owner in writing.** The declaration shall be in writing, and shall be served on the owner or keeper in one of the following methods:

1. Certified mail to the owner's or keeper's last known address; or

2. Personally delivered; or

3. Posting the notice of violation and order on the front door of the living unit of the owner or person with right to control the dog if said owner or person is not home; or

4. If the owner or keeper cannot be located by one of these methods, by publication in a newspaper of general circulation. The owner or keeper of any dog found to be a potentially dangerous or dangerous dog under TMC Chapter 7.16 shall be assessed all actual service costs expended under this section.

D. **Declaration, information required.** The declaration set forth in this section shall state at least:

1. A description of the dog;

2. The name and address of the owner or keeper of the dog, if known;

3. The whereabouts of the dog if it is not in the custody of the owner or keeper;

4. The facts upon which the declaration is based;

5. The availability of a hearing in case the person objects to the declaration, if a request is made within 14 days;

6. The restrictions placed on the dog as a result of the declaration; and

7. The penalties for violation of the restrictions, including the possibility of destruction of the dog, and imprisonment or fining of the owner or keeper.

E. **Declaration appeal procedure.** If the owner or keeper of the dog wishes to contest the declaration, the following procedures shall apply:

1. The owner or keeper shall, within 14 days of receipt of the declaration, or within 14 days of the publication of the declaration, or within 14 days of the publication of the declaration pursuant to TMC Section 7.16.040(C), request a hearing from the Tukwila Hearing Examiner. Failing to exhaust this administrative appeal process shall be a bar to action in a court of law. Any appeal decision issued by the Tukwila Hearing Examiner can be appealed in Superior Court.

2. If the Tukwila Hearing Examiner finds there is insufficient evidence to support the declaration, it shall be rescinded and the restrictions imposed thereby vacated.

3. If the Tukwila Hearing Examiner finds sufficient evidence to support the declaration, then it shall be affirmed.

4. If the Tukwila Hearing Examiner finds that the dog is not a potentially dangerous or dangerous dog, no costs shall be assessed against the City or the animal control authority or officer.

(Ord. 2466 §5 (part), 2015)

7.16.050 Violations – Penalty.

The animal control authority may take any lawful action necessary to confiscate any dangerous dog if the dog is not maintained in a secure enclosure, or if the dog is allowed to go beyond the owner's premises without leash, chain, rope or other device of sufficient strength to restrain the dog without causing injury to the dog, or muzzle, if required, or if a required surety bond or liability insurance of \$250,000 is not valid. The owner must pay the costs of confinement and control. The animal control authority must serve notice upon the dog owner in person, to the owner's residence, or by regular and certified mail, return receipt requested, specifying the reason for the confiscation of the dangerous dog, that the owner is responsible for payment of the cost of confinement and control, and that the dog will be destroyed by animal control in an expeditious and humane manner if the deficiencies for which the dog was confiscated are not corrected within 20 days. In addition, the owner shall be guilty of a gross misdemeanor.

(Ord. 2466 §5 (part), 2015)

CHAPTER 7.18

GUARD DOGS

Sections:

7.18.010	Intent
7.18.020	Definitions
7.18.030	Guard dog purveyor – license – fees
7.18.040	Guard dog purveyor – license – application
7.18.050	Guard dog trainer – license required – fee
7.18.060	Guard dog trainer – license – application
7.18.070	Guard dog – registration
7.18.080	Guard dog – registration – application
7.18.090	Inspections
7.18.100	Enforcement authorization
7.18.110	Limitations

7.18.010 Intent

It is the intent of the Tukwila City Council to set reasonable requirements and conditions governing the training, selling and conveying of guard dogs and the use of such animals for the protection of person and/or property. The City Council finds such regulation is necessary to preserve the public peace and safety and to ensure the humane treatment of said animals.

(Ord. 2466 §6 (part), 2015)

7.18.020 Definitions

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. *“Animal care and control authority”* means the King County Regional Animal Services in the King County Records and Licensing Services Division, acting alone or in concert with other municipalities in the enforcement of the animal care and control laws of the county and state.

B. *“Director”* means director of the King County Department of Executive Services.

C. *“Guard dog”* means any member of the dog family Canidae that has been trained or represented as trained to protect either person or property, or both, by virtue of exhibiting hostile propensities and aggressiveness to unauthorized persons.

D. *“Guard dog purveyor”* means any person, firm or corporation supplying guard dogs to members of the public.

E. *“Guard dog trainer”* means any person, either as an individual or as an employee of a guard dog purveyor, whose prime function is the training of dogs as guard dogs.

F. *“Rules and regulations of the Regional Animal Services Section”* means such rules and regulations, consistent with the intent of this chapter, as may be adopted by the Regional Animal Services Section under King County Code Chapter 2.98.

(Ord. 2466 §6 (part), 2015)

7.18.030 Guard dog purveyor – license – fee

A. It is unlawful for any person, firm or corporation to supply guard dogs to the public without a valid license to do so issued to the person, firm or corporation by the animal care and control authority. Only a person who complies with this chapter and such rules and regulations of the animal care and control authority as may be adopted in accordance with this chapter shall be entitled to receive and retain such a license. Licenses shall not be transferable and shall be valid only for the person and place for which issued. The licenses shall be valid for one year from issue.

B. The fee for the license shall be \$250 per year, but if the guard dog purveyor is in possession of a valid animal shelter, kennel and pet shop license, the fee for the guard dog purveyor license shall be reduced by the amount of the animal shelter, kennel and pet shop license.

(Ord. 2466 §6 (part), 2015)

7.18.040 Guard dog purveyor – license – application

Any person desiring to supply guard dogs to the public shall make written application for a license on a form to be provided by the animal care and control authority. The application shall be filed with the animal care and control authority and shall include the following:

1. A legal description of the premises or the business address of the office from which the applicant desires to supply guard dogs;

2. A statement of whether the applicant owns or rents the premises to be used for the purpose of purveying guard dogs. If the applicant rents the premises, the application shall be accompanied by a written statement of acknowledgment by the property owner that the applicant has the property owner's permission to purvey guard dogs on the premises for the duration of the license; and

3. A written acknowledgment by the applicant that before the actual commercial sale or purveyance of any and all guard dogs the licensee shall coordinate with the animal care and control authority in properly marking the guard dog and in notifying all customers of the guard dog purveyor that the customer is required to register the guard dog and pay the appropriate registration fee to King County before the animal performs guard dog functions.

(Ord. 2466 §6 (part), 2015)

7.18.050 Guard dog trainer – license required – fee

A. It is unlawful for anyone to engage in the training of dogs as guard dogs without a valid license to do so issued to the person by the animal care and control authority. Only a person who complies with this chapter and the rules and regulations of the animal care and control authority shall be entitled to receive and retain such a license. Licenses shall not be transferable and shall be valid only for the person for which they were issued. Licenses shall be valid for one year from issue.

B. The cost of the license to each guard dog trainer shall be \$50 per year.

(Ord. 2466 §6 (part), 2015)

7.18.060 Guard dog trainer – license – application

Any person desiring to train dogs as guard dogs shall make written application for a license on a form to be provided by the animal care and control authority. All such applications shall be filed with the animal care and control authority and shall contain the following:

1. A legal description or business address of the premises at which the applicant desires to train the guard dogs;

2. A statement of whether the applicant is self-employed or a member of a business, firm, corporation or organization that trains guard dogs. If the applicant is a member of such a business, firm, corporation or organization, the applicant shall state the name of the entity and shall provide the name of the major executive officer of the entity; and

3. If the premises at which the applicant proposes to train dogs as guard dogs is rented, the application must be accompanied by a written statement of acknowledgment from the property owner that the applicant has the owner's permission to carry on the activity of guard dog training at the location for the duration of the license.

(Ord. 2466 §6 (part), 2015)

7.18.070 Guard dog – registration

All persons using dogs as guard dogs shall register the dogs with the animal care and control authority. The cost of the registration shall be as provided in TMC Section 7.12.035. The registration shall be valid for one year from date of issue. All registrations shall be affixed on the guard dog in such a manner so as to be readily identifiable.

(Ord. 2466 §6 (part), 2015)

7.18.080 Guard dog – registration – application

Any person desiring to use a guard dog shall register the dog with the animal care and control authority and the registration shall be accompanied by the following information:

1. A legal description or business address of the premises that the applicant desires to employ a registered guard dog to prevent unauthorized intrusion.

2. A statement whether the applicant owns or rents the premises to be guarded. If the applicant rents the premises, the application must be accompanied by a written statement of acknowledgment from the property owner that the applicant has the owner's permission to use a guard dog on the premises to prevent unauthorized intrusion for the duration of the registration.

3. A description of the guard dog for purposes of identification.

4. Acknowledgment by the applicant of whether the guard dog has been trained as a guard dog to exhibit hostile propensities.

5. Acknowledgment by the applicant that the premises to be guarded has devices, such as fencing, to prevent general access by the public during those times the guard dog is used for purposes of protecting the premises and persons from unauthorized intrusion. The acknowledgment shall contain a statement that the premises is properly signed to forewarn the public of the presence of a guard dog.

6. Acknowledgment by the applicant that the guard dog will be maintained in such a manner as to ensure the safety of the public and the welfare of the animal.

(Ord. 2466 §6 (part), 2015)

7.18.090 Inspections

The manager of the Regional Animal Services Section or the manager's authorized representative shall inspect all premises that are the subject of the licenses and registrations required in this chapter before the issuance of licenses or registrations. The inspections shall include, but not be limited to, a verification that adequate measures are being taken to protect the health, welfare and safety of the general public and to ensure the humane treatment of the guard dogs. If the premises are deemed inadequate, the Regional Animal Services Section shall direct the applicant to make such changes as are necessary before the license or registration is issued. The manager of the Regional Animal Services Section or the manager's authorized representative may make the inspections of a licensee's premises or the premises of an area guarded by a registered guard dog for the purpose of enforcing this chapter and the rules and regulations of the Regional Animal Services Section.

(Ord. 2466 §6 (part), 2015)

7.18.100 Enforcement authorization

In protecting the health, safety and welfare of the public; to enforce the laws of the State of Washington as they pertain to animal cruelty, shelter, welfare and enforcement of control, the manager of the Regional Animal Services Section and the manager's authorized officers are authorized to take such lawful action in exercising appropriate powers and responsibilities in TMC Chapter 7.12.

(Ord. 2466 §6 (part), 2015)

7.18.110 Limitations

The provisions of this chapter shall not apply to any facility possessing or maintaining dogs or guard dogs as defined in this chapter that is owned, and operated or maintained by any city, county, state or the federal government; provided, private parties renting or leasing public facilities for commercial purposes as specified in this chapter shall not be exempt.

(Ord. 2466 §6 (part), 2015)

CHAPTER 7.20**DOGS AT LARGE AND LEASHES****Sections:**

- 7.20.010 Definitions
- 7.20.020 Dogs at Large – Requirement of a Leash or Chain
- 7.20.030 Penalties

7.20.010 Definitions

- A. *“City”* shall mean the City of Tukwila.
- B. *“Owner”* means any person, firm, corporation, organization or department having an interest in or right of possession to an animal, or having control, custody or possession of an animal, including possession by reason of the animal being seen residing consistently at a location.
- C. *“Person”* means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.
- D. *“Signal control”* means a battery-powered collar that uses a remote control to send electric stimulation to control a dog's behavior.

*(Ord. 2466 §7 (part), 2015)***7.20.020 Dogs at Large – Requirement of a Leash or Chain**

It shall be a violation of this chapter for any owner to cause, permit or allow any dog owned, harbored, controlled or kept by him/her in the City to roam, run or stray away from the premises where the dog is owned, harbored, controlled or kept; except that, while away from the premises, the dog shall at all times be controlled by the owner or some duly authorized and competent person by means of a leash or chain not exceeding eight feet in length, or signal control, provided that such leash, or chain, or signal control is not required for any dog when otherwise safely and securely confined or completely controlled while in or upon any vehicle. Any law enforcement officer shall have the authority to issue civil infractions under this provision.

*(Ord. 2466 §7 (part), 2015)***7.20.030 Penalties**

A. **Violation, civil penalty.** In addition to any other penalty provided in this title or by law, any person whose dog is maintained in violation of this title shall incur a civil penalty plus billable costs of the animal control authority. The penalty shall be \$50 for the first notice of violation, \$75 for the second violation in any one-year period, and \$200 for each successive violation.

B. **Civil penalty, collection.** The civil penalty described in TMC Section 7.20.030(A) is the personal obligation of the dog owner. The animal control authority, on behalf of King County, and the City Attorney, on behalf of the City, may collect the civil penalty by use of all appropriate legal remedies.

C. **Cost of enforcement, collection.** In addition to the costs and disbursements provided for by statute, the prevailing party in a collective action under this chapter may, in the court's discretion, be allowed interest and a reasonable attorney's fee. The City Attorney is authorized to seek such costs, interest, and reasonable attorney's fees on behalf of the City or County when the City is the prevailing party.

(Ord. 2466 §7 (part), 2015)

CHAPTER 7.30
ANIMAL FECES

Sections:

- 7.30.010 Definitions
 - 7.30.020 Animal Feces – Unlawful Accumulation and Requirement for Removal
 - 7.30.030 Penalties
-

7.30.010 Definitions

- A. *"City"* shall mean the City of Tukwila.
- B. *"Owner"* means any person, firm, corporation, organization or department having an interest in or right of possession to an animal, or having control, custody or possession of an animal, including temporary possession or possession by reason of the animal being seen residing consistently at a location.
- C. *"Person"* means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

(Ord. 2466 §8 (part), 2015)

7.30.020 Animal Feces – Unlawful Accumulation and Requirement for Removal

- A. It shall be a violation of this chapter for any owner to cause, permit or allow the accumulation of animal feces in any open area, run cage or yard wherein those animals are kept, or to fail to remove or dispose of feces at least once every seven days. The accumulation of animal feces in any quantity that constitutes a hazard to the health, safety or convenience of any persons, or that interferes with the use of or enjoyment of any neighboring property as a result of odors, visual blight, or attraction of insects or pests, constitutes a nuisance.
- B. It shall be a violation of this chapter for any person to fail to remove and properly dispose of the fecal matter deposited by a dog or other animal in his or her possession on public property such as park property, school grounds, public rights-of-way, or public easements or on private property that does not belong to the animal's owner or the person currently in possession of the animal.
- C. Any law enforcement officer shall have the authority to issue civil infractions under this provision.

(Ord. 2466 §8 (part), 2015)

7.30.030 Penalties

A. **Violation, civil penalty.** In addition to any other penalty provided in this title or by law, any person whose dog is maintained in violation of this title shall incur a civil penalty plus billable costs of the animal control authority. The penalty shall be \$50 for the first notice of violation, \$75 for the second violation in any one-year period, and \$200 for each successive violation.

B. **Civil penalty, collection.** The civil penalty described in TMC Section 7.30.030(A) is the personal obligation of the dog owner. The animal control authority, on behalf of King County, and the City Attorney, on behalf of the City, may collect the civil penalty by use of all appropriate legal remedies.

C. **Cost of enforcement, collection.** In addition to the costs and disbursements provided for by statute, the prevailing party in a collective action under this chapter may, in the court's discretion, be allowed interest and a reasonable attorney's fee. The City Attorney is authorized to seek such costs, interest, and reasonable attorney's fees on behalf of the City or County when the City is the prevailing party.

(Ord. 2466 §8 (part), 2015)